

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
TRUST FUND, et al.,

Plaintiffs,

V.

COMBOS GLASS, INC.

Defendant.

Case No. 23-cv-02301-JD

ORDER RE REPORT AND RECOMMENDATION

In this ERISA action, Magistrate Judge Alex G. Tse filed a report recommending that plaintiffs' motion for default judgment, Dkt. No. 22, be granted. Dkt. No. 36. Defendant has not appeared in this action. No objections have been filed in response to the report, and the time to file objections has expired. *See* Fed. R. Civ. P. 72(b)(2).

The report concludes that defendant Combos Glass, Inc. was required to report the number of hours worked by its employees each month and to make proportionate benefit contributions under collective bargaining and trust agreements, which it often failed to do. *See* Dkt. No. 36, at 1-2. Under Federal Rule of Civil Procedure 55(b)(2) and the factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986), default judgment is warranted in favor of plaintiffs.

After an independent review, the Court adopts the report and recommendation. Plaintiffs are awarded \$202,687.56 in damages, which is comprised of \$156,833.82 in unpaid contributions, \$40,485.39 in liquidated damages and interest, and \$5,368.35 in attorney's fees and costs. The Court orders defendant Combos Glass, Inc. to submit to an audit for the period from July 1, 2020, through the present and to provide the trustees with the records needed for the audit.

IT IS SO ORDERED.

Dated: September 4, 2024

JAMES DONATO
United States District Judge